

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FLETCHER SHERMAN LEGARDY,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

No. 2:22-cv-01881 KJM AC

ORDER

The court is in receipt of plaintiff's disability accommodation request, filed as a motion to appoint counsel. ECF No. 4. Plaintiff's motion does not expressly request appointment of counsel; it is instead a state court form seeking assistance with filing documents because of partial blindness. ECF No. 4

Though plaintiff does not request counsel, insofar as it was his intention to do so, the court finds he is not entitled to counsel. In civil cases, a pro se litigant's right to counsel "is a privilege and not a right." United States ex Rel. Gardner v. Madden, 352 F.2d 792, 793 (9th Cir. 1965) (citation omitted). "Appointment of counsel should be allowed only in exceptional cases." Id. When determining whether "exceptional circumstances" exist, the court must consider the likelihood of success on the merits as well as the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009). Here, plaintiff's complaint was screened and findings and recommendations are

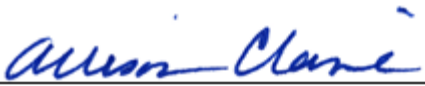
1 pending recommending that the case be dismissed with prejudice. ECF No. 3. There is no  
2 likelihood of success on the merits.

3 Insofar as plaintiff is requesting assistance with filing documents due to his vision  
4 problems, the form he filed is not applicable in this court. To the extent plaintiff needs assistance  
5 with filing due to his partial blindness, he is directed to contact the Clerk of Court for assistance.

6 Plaintiff's motion (ECF No. 4) is DENIED.

7 IT IS SO ORDERED.

8 DATED: November 17, 2022

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10 ALLISON CLAIRE  
11 UNITED STATES MAGISTRATE JUDGE  
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